

Atty Dkt No. 6125-0001
PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
John P. CUMINGS et al.

Serial No.: 09/915,196

Filing Date: July 24, 2001

Title: TELESCOPED MULTIWALL NANOTUBE AND MANUFACTURE THEREOF

Confirmation No.: 5292

Group Art Unit: 1773

Examiner: Hoa T. LE

RECEIVED
AUG 21 2003
TC 1700

RESPONSE TO REQUIREMENT FOR RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Requirement for Restriction mailed July 16, 2003, in which the Examiner required restriction between two groups of claims:

- (I) claims 1-17, directed to a method of making multiwall nanotube; and
- (II) claims 18-32, directed to a nanotube.

In response, applicants elect Group I, claims 1-17, without traverse. Applicants expressly reserve their right under 35 USC § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application.

If the Examiner has any questions concerning this communication, or would like to discuss the application, the art, or other pertinent matters, the Examiner is welcome to contact the undersigned attorney at (650) 330-0900.

Respectfully submitted,

By:

Louis L. Wu
Registration No. 44,413

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TRANSMITTAL FORM (to be used for all correspondence after initial filing) PATENT & TRADEMARK OFFICE AUG 20 2003	Application Number	09/915,196
	Filing Date	July 24, 2001
	First Named Inventor	John P. CUMINGS
	Art Unit	1773
	Examiner Name	Hoa T. LE
	Attorney Docket Number	6125-0001
Commissioner for Patents		

ENCLOSURES (Check all that apply)

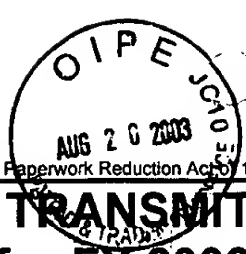
- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> No fee due
<input checked="" type="checkbox"/> Fee Transmittal
<input type="checkbox"/> Fee(s) due
<input type="checkbox"/> Fee Transmittal
<input type="checkbox"/> Check for \$0
<input checked="" type="checkbox"/> Charge any underpayment or credit any overpayment to Deposit Account No. 18-0580
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement & Form(s) PTO-1449
<input type="checkbox"/> Copy(ies) of cited reference(s)
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts / Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s): | <input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Requirement for Restriction and Return Postcard. |
| Remarks: | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Name (print/type)	Louis L. Wu	Registration No. (Attorney/Agent)	44,413	Telephone	(650) 330-0900
Signature	<i>L. L. Wu</i>			Date	August 18, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 18, 2003.			
Name (print/type)	Margaret K. Surridge		
Signature	<i>Margaret K. Surridge</i>	Date	August 18, 2003



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FEE TRANSMITTAL for FY 2003

Effective 01/01/03. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$0

Complete if Known	
Application Number	09/915,196
Filing Date	July 24, 2001
First Named Inventor	John P. CUMINGS
Examiner Name	Hoa T. LE
Group Art Unit	1773
Attorney Docket No.	6125-0001

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None

☐ Deposit Account:

Deposit Account No.	
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge any underpayment or credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	0
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					\$0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims	32	- 32 =	0	x	0	=	0
Independent Claims	2	- 2 =	0	x	0	=	0
Multiple Dependent				x	0	=	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claim in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					\$0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					\$0

SUBMITTED BY

Name (Print/Type)	Louis L. Wu	Registration No. (Attorney/Agent)	44,413	Telephone	(650) 330-0900
Signature		Date	August 18, 2003		